

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amendment)

902 KAR 10:040. Kentucky youth camps.

RELATES TO: KRS 194A.005(1), 194A.381-383, 217.005-217.215~~[211.180]~~

STATUTORY AUTHORITY: KRS 194A.050(1)~~[Chapter 13B, 194.050]~~, 211.090(3), 211.180(1)(c)~~[EO 96-862]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of~~[211.180 authorizes]~~ the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.180(1)(c) requires the cabinet to enforce administrative regulations promulgated for the regulation and control of~~[regulate certain public health matters including]~~ the sanitation of public and semipublic recreational areas~~;~~ the detection, prevention and control of communicable disease and health hazards~~;~~ and to provide for the protection and improvement of the health of school age children~~].~~ This administrative regulation establishes uniform standards for youth camps necessary to insure a safe and sanitary environment to protect the health and safety of children attending camps in this state.~~[Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.]~~

Section 1. Definitions.~~[As used in this administrative regulation the following definitions shall apply:]~~ (1)~~["Approved" means that which is acceptable to the cabinet.~~

(2)~~["Cabinet" is defined by KRS 194A.005(1)]~~~~[means the Cabinet for Health Services and its designated agents].~~

~~(2)~~~~[(3)]~~ "Camp" or "youth camp":

(a) Means an~~[any]~~ area, parcel, or tract of land, under the control of a~~[any]~~ person on which facilities are established, maintained, or operated for recreational, educational, or vacation purposes for five (5) or more children to attend no longer than two (2) weeks, either free of charge~~;~~ or for payment of a fee~~;~~~~].~~

~~(b)~~~~[(a) This definition]~~ Includes a~~[the following types of camps]:~~

1. Day camp~~["Day camp" means a camp operated for all or part of the day, but does not include overnight lodging of campers];~~

2. Primitive or outpost camp~~["Primitive or outpost camp" means a portion of the residential camp premises or other site under control of the camp operator which is intended only for occasional use as an overnight tent camping site, and has no permanent structures or facilities];~~
or ~~[and]~~

3. Residential camp; and

~~(c) Does~~~~["Residential camp" means a camp operated on a permanent campsite with overnight lodging facilities.~~

~~(b) This definition shall]~~ not include a~~[the following]:~~

1. Camp, campsite, or camping session~~[Developed or primitive camps or campsites open to the general public on public lands, except that use of these sites or areas for operation of a youth camp shall be included in this definition;~~

2. Camps, campsites, or camping sessions] operated solely for family or adult camping;

2.~~[3.]~~ Privately owned camp~~[camps]~~ or campsite~~[campsites]~~ intended for the sole use of the owner, their family, or~~[and]~~ invited guests;

~~3.[4. Day care or similar facilities which are operated with the intent to provide child care on a routine basis for infant, toddler, preschool, or school age groups individually or collectively during parents' working hours, before or after school or during school vacation periods;~~

~~5.] Weekend or similar overnight troop or trip camping activities conducted by an organized youth ~~troop~~~~[troops]~~ or association~~[associations]~~ of less than seventy-two (72) hours duration, and not a part of an established youth camp operating session;~~

~~4. Facility that is operated as an instructional studio or center that provides lessons or other activities for school age children individually or collectively during parents' working hours, before or after school, or during school vacation periods;~~

~~5. A vacation bible school, bible day school, or similar activity held in a church for school age children individually or collectively during parents' working hours, before or after school, or during school vacation periods; or~~

~~6. A wilderness camp licensed as a private child caring facility pursuant to 922 KAR 1:460.~~

~~(3)[(4) "Camper" means any child under eighteen (18) years of age living apart from, or with the intention of living apart from, his relatives, parents, or legal guardians, while attending a youth camp.~~

~~(5)] "Camp director" means the individual agent of the camp operator on the premises of any youth camp who has the primary responsibility for the administration, operation, and supervision of the camp and its staff.~~

~~(4)[(6)] "Camp operator" means the person that owns[,] a youth camp, whether the camp is operated for profit or not for profit.~~

~~(5) "Camper" means a child under eighteen (18) years of age living apart from relatives, parents, or legal guardians, while attending a youth camp.~~

~~(6) "Day camp":~~

~~(a) Means a camp operated for all or part of the day; and~~

~~(b) Does not include:~~

~~1. Overnight lodging of campers; or~~

~~2. A camp operating at a facility under a different cabinet license or permit or that is already subject to routine sanitation and safety inspection by the cabinet.~~

~~(7) "Permanent structure" means a~~[any]~~ building and appurtenances owned or operated by the camp management for living, dining, kitchen, sleeping, toilet, bathing, shelter, tool shed, storage, assembly, infirmary, or stabling purposes, constructed to be immobile and permanent.~~

~~(8)["Permit" means a written document issued by the cabinet giving a designated person permission to operate a specific camp.~~

~~(9)] "Person" means an~~[any]~~ individual, firm, partnership, company, corporation, organization, trustee, association, or other~~[any]~~ public or private entity.~~

~~(9) "Primitive or outpost camp" means a portion of the residential camp premises or other site under control of the camp operator that is intended only for occasional use as an overnight tent camping site and has no permanent structure or facility.~~

~~(10) "Residential camp" means a camp operated on a permanent campsite with overnight lodging facilities.~~

~~(11)[(40)] "Semipermanent structure" means a~~[any]~~ building, tent, structure, or trailer and appurtenances owned or operated by the camp management for sleeping, living, dining, toilet, bathing, kitchen, tool shed, storage, assembly, infirmary, or animal sheltering purposes, that is constructed to be movable, may be easily disassembled, and not permanent in nature.~~

Section 2. Permits. (1) A permit to operate a youth camp issued pursuant to this administrative regulation shall not exempt a child-care facility or program from the licensure required by 922 KAR Chapter 2.

(2) A ~~No~~ person shall not operate a youth camp within the Commonwealth of Kentucky without possession of a valid permit issued by the cabinet.

(3) Only a person who complies with the requirements of this administrative regulation shall be entitled to receive and retain a permit.

(4) A permit~~Permits~~ shall not be transferable from one (1) person to another person or place.

(5) The permit shall be posted or readily available at every camp.

(6) Each permit shall expire on the December 31~~next~~ following its date of issuance.

Section 3. Application for a Permit. (1) A~~Any~~ person desiring to operate a camp shall complete and submit form DFS-200, Application for a Permit, incorporated by reference in 902 KAR 45:005~~make written application on form DFS-233- Application to Operate, provided by the cabinet. The application shall include:~~

~~(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;~~

~~(b) If a partnership, the names of the partners, and their addresses;~~

~~(c) The location of the camp;~~

~~(d) The type of camp; and~~

~~(e) The signature of the applicant or applicants].~~

(2) A person desiring to operate a day camp shall complete and submit form DFS-200, Application for a Permit, and form DFS-340, Application and Permit to Operate Day Camp Facilities.

~~(3)~~~~(2)~~ Upon receipt of an application, the cabinet shall make an inspection of the camp to determine compliance with the provisions of this administrative regulation. If inspection discloses that the applicable requirements of this administrative regulation have been met, a permit shall be issued to the applicant by the cabinet.

Section 4. Camp Site. The camp site shall be located on land that provides~~good~~ natural drainage. The area on which~~the~~ tents, buildings, or structures are erected, and~~together with~~ other areas frequently used for camp activities, shall be~~well~~ drained and not located in a swamp or similar place in which mosquitoes may breed.

Section 5. Camp Facilities. (1) All camp structures used for human occupancy or assembly, and all electrical, heating, ventilating, air conditioning, plumbing, and lighting systems in those structures shall be designed and constructed pursuant to 815 KAR 7:120, Kentucky~~the State~~ Building Code, except for tents, which shall meet federal flammability standards.

(2) All camp food preparation and service facilities shall comply with the provisions of KRS 217.005 – 217.215~~219.011 to 219.081 and 219.991~~ and 902 KAR 45:005~~the State Food Service Code~~. If food for campers and staff is not prepared by the camp, food shall be obtained from a commercial food service establishment holding a valid permit from the cabinet.

(3) Floors, walls, ceilings, and attached or freestanding appurtenances, fixtures, and equipment in all permanent and semipermanent structures shall be kept clean and in good repair.

(4) All gas or oil burning heating and cooking facilities used in any camp shall meet applicable state fire codes for installation, operation, and maintenance.

(5) All structures used as sleeping quarters shall have all outer openings screened or protected to prevent the entry of insects and other vermin.

Section 6. Sleeping Facilities. (1) A minimum of thirty (30) square feet of floor space shall be provided for each camper in all structures used for sleeping purposes.

(2)(a) All structures used as sleeping quarters shall be designed to provide a minimum of two (2) feet separation between beds, cots, or sleeping bags on all sides.

(b) Beds, cots, or sleeping bags shall be placed so that the heads of campers are at least six (6) feet apart.

(c)~~[, and]~~ If double-decked beds are used, there shall be not less than twenty-seven (27) inches of separation between the lower mattress and the bottom of the upper bed.

(3)(a) Mattresses shall be covered in materials ~~that~~~~[which]~~ are water repellent, easily cleanable, and meet federal flammability standards, or shall be encased in a separate mattress cover ~~that~~~~[which]~~ meets these requirements.

(b) Each occupied bed or cot shall be provided with one (1) sheet, one (1) pillow, one (1) pillowcase, and one (1) blanket either by the camp~~[,]~~ or by the individual camper~~[,]~~ except that this requirement shall not apply if a camper provides his or her own sleeping bag.

(4)(a) All articles of bedding provided by the camp shall be kept clean and in good repair.

(b) Linen shall be changed at least once weekly and more often if necessary, or if there is a new camper occupying the bed or cot.

Section 7. Personal Hygiene Facilities. (1) Each residential or day camp shall provide personal hygiene facilities consisting of water closets and~~[,]~~ hand-washing and shower facilities for each sex accommodated, pursuant to the design, construction, and sanitary fixture requirements of the State Plumbing Code.

(2) Personal hygiene facilities shall have natural and artificial lighting of at least twenty (20) foot-candles.

(3) Personal hygiene facilities shall be located no more than 500 feet from any permanent or semipermanent structure or tent used for human occupancy or assembly.

(4) Hot and cold or tempered water service shall be provided to all lavatories and showers, and approved temperature limited devices meeting State Plumbing Code requirements shall be used to prevent delivery of water at a temperature above 120 degrees Fahrenheit~~[, that could scald a camper; except that existing camps will not be required to furnish hot or tempered water at existing lavatories or showers].~~

(5) Lavatories or hand-washing facilities shall be conveniently located to all toilet facilities. Water, hand-cleansing soap, and approved sanitary towels or other approved hand-drying device shall be provided at all lavatories and hand-washing facilities.

(6) All personal hygiene facilities shall be maintained in good repair and shall be kept clean at all times.

(7) Adequate toilet tissue shall be provided at each toilet facility.

(8) Flame retardant, easily cleanable refuse containers shall be provided in all toilet facilities. Covered waste receptacles shall be accessible in each toilet stall designed~~[and shall be covered in toilets]~~ for females.

(9) All windows used for room ventilation shall be screened and outer openings protected in toilet and personal hygiene facilities to prevent the entry of insects and other vermin.

Section 8. Sewage and Waste Water Disposal. (1) All sewage and waste water shall be disposed of into a public sewer system~~[,]~~ if available.

(2) In the event a public sewer system is not available, disposal shall be made into a private sewage disposal system designed, constructed, and operated pursuant to the requirements of the cabinet and~~[or]~~ the Energy and Environment~~[Natural Resources and Environmental Protection]~~ Cabinet;

(3) If a public sewer system subsequently becomes available, connections shall be made to it and the camp sewer system shall be discontinued.

Section 9. Water Supply System. (1) The water supply shall be potable, adequate, and from an approved public supply of a municipality or water district[,] if available.

(2) If a public water supply of a municipality or water district is not available, the supply for the camp shall be developed and approved pursuant to applicable requirements of the Energy and Environment~~[Natural Resources and Environmental Protection]~~ Cabinet;

(3) If a public water supply of a municipality or water district subsequently becomes available, connections shall be made to it and the camp supply shall be discontinued.

(4)~~(2)~~ Adequate drinking fountains meeting State Plumbing Code requirements or portable drinking water containers of an approved type shall be used within the camp. Common drinking cups, glasses, and~~or~~ vessels are prohibited.

(5)~~(3)~~ If portable drinking water containers are used, they shall be of easily cleanable construction[,] kept securely closed and designed so that water may be withdrawn from the container only by water tap or faucet and shall be maintained in a sanitary condition.

(6)~~(4)~~ All ice used shall be from an approved source and shall be handled and stored in a manner to prevent contamination. If ice is made on the premises of any camp, the ice-making machine shall be of approved construction and the water shall be of the same bacteriological quality as approved drinking water.

Section 10. Refuse Handling. (1) The storage, collection, and disposal of refuse shall be conducted to not create a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution violation and shall conform to all other requirements of the Energy and Environment~~[Natural Resources and Environmental Protection]~~ Cabinet.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers and containers shall be emptied and cleaned at a frequency necessary to prevent a nuisance.

(3) Approved container storage shall be provided and shall be designed and maintained to not create a nuisance.

(4) All refuse containing garbage shall be collected at least once per week or more often if deemed necessary.

Section 11. Maintenance of Animal Facilities. (1) Barns, stables, corrals or other structures used to house~~[horses and other]~~ animals shall be located at least 500 feet from any sleeping, eating, or food preparation area. Tie-rails[,] or hitching posts shall not be located within 200 feet of a~~any~~ dining hall, kitchen, or other place where food is prepared, cooked, or served.

(2) Barns, stables, and corrals shall be located on a well-drained sloping area and situated to prevent contamination of any water supply.

(3)(a) Manure shall be removed from barns, stalls, and corrals as often as necessary to prevent a fly problem. Fly repellents or other precautions shall be used to prevent these shelters from becoming an attractant for or breeding place for flies.

(b) Manure disposal shall be handled in a manner that~~which~~ does not create a nuisance or contaminate surface or groundwater.

Section 12. Swimming Facilities and Recreational Water Activities. (1) A public swimming and bathing facility~~[All swimming pools, beaches, and natural bathing places]~~ shall comply with 902 KAR 10:120~~[, the Kentucky public swimming and bathing facility administrative regulation]~~.

(2) All small craft and boating activities shall be conducted in compliance with applicable rules and administrative regulations of the Energy and Environment~~[Natural Resources and Environmental Protection]~~ Cabinet~~[, Division of Water Patrol]~~.

(3) All swimming and small craft and boating activities shall be under the supervision of a

person holding a current American Red Cross ~~[Senior Life Saving Certificate]~~ Lifeguard Certification or its equivalent at all times.

Section 13. Insect, Rodent and Pest Control. (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestations. Extermination methods and other measures to control insects and rodents shall be pursuant to applicable state laws and administrative regulations.

(2) Camps shall be maintained free of accumulations of debris that~~[which]~~ may provide rodent harborage or breeding places for~~[flies, mosquitoes or]~~ other pests.

(3) Storage areas shall be maintained to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one (1) foot above the ground.

Section 14. Camp Director, Records and Reports, Medical Supervision, and First Aid. (1) The camp operator shall assure that a camp director or an authorized agent is available within the camp boundaries at all times while the camp is in operation.

(2)(a) Pursuant to KRS 194A.382, the camp operator shall require an applicant, contractor, or volunteer to complete the form DPP-156 pursuant to 922 KAR 1:470, Section 3.

(b) The applicant, contractor, or volunteer shall submit to the camp operator a letter from the cabinet stating that the individual has no findings of substantiated child abuse or neglect found through a background check of child abuse and neglect records maintained by the cabinet prior to the individual's presence at the camp or involvement in any program of the camp.

(c) The letter from the cabinet shall be kept on camp premises and made available for examination upon request of the cabinet.

(3) Records or personal data, including a medical history, shall be kept on each person attending a camp. Minimum records shall include:

(a) The name, date of birth, and address of each person in the camp;

(b) The name, address, and telephone number of parents or guardians; and

(c) The medical history^[7] and dates of hospital admission and discharge (if applicable) of each camper.

(4)~~(3)~~ Residential camps shall have facilities for isolation of persons suspected of having a communicable disease. Other camps shall provide for the immediate isolation of campers suspected of having a communicable disease.

(5)~~(4)~~ Adequate first aid supplies and equipment as designated by the available or on call physician~~[on call]~~ shall be located within the camp. An American Red Cross certificate required by paragraph (a) or (b) of this subsection shall be kept on camp premises and made available for examination upon request of the cabinet.

(a) Residential camps shall have a person holding an American Red Cross Standard First Aid and Personal Safety Certificate or its equivalent on site twenty-four (24) hours a day while the camp is in session.

(b) All other camps shall have a person holding, as a minimum, a first aid course certificate from the American Red Cross or its equivalent on site while camp is in session.~~[The certificates shall be made available for examination upon request of an authorized agent of the cabinet.]~~

(6)~~(5)~~ All prescription drugs shall be kept in a locked cabinet or container with the exception of medications for which a patient has documentation from a licensed health care provider that states:

(a) The purpose of the medication;

(b) How the medication is to be administered; and

(c) That the medication may be retained by the patient for immediate use.

~~(7)~~~~(6)~~ A nearby physician or emergency room shall be available or on call for medical emergencies and the camp shall have access to a telephone~~;~~ with emergency telephone numbers posted. Transportation shall be available at all times in the event of an emergency.

~~(8)~~~~(7)~~ All serious illnesses and accidents resulting in death or injury, other than minor injuries ~~that~~~~[which]~~ require only first aid treatment and ~~that~~~~[which]~~ do not involve medical treatment, shall be reported to the cabinet by the next business day~~[at the end of the camping season, but not later than December 31 of each year,]~~ on form DFS-309~~;~~ Kentucky Youth Camp Accident/Illness Report ~~[provided by the cabinet]~~.

Section 15. Safety and Accident Prevention. (1) All camps shall comply with applicable rules and administrative regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply, and fuel connections.

(2) In every camp with an electrical system, the wiring, fixtures, and equipment shall be installed and maintained pursuant to applicable codes and administrative regulations.

(3) Protection from~~;~~ natural hazards.

(a) Natural hazards within the boundaries of the camp shall be plainly marked and measures and procedures~~[approved by the cabinet]~~ shall be followed to insure the safety of the campers.

(b) Poison plants such as poison sumac and poison ivy shall be subject to control and elimination from areas where their presence is hazardous to campers.

(4) Elimination of artificial hazards.

(a) All buildings, grounds, and equipment shall be maintained in a manner to eliminate or minimize the danger from holes, glass, splinters, sharp projections, and other hazardous conditions to protect the safety of all persons residing in or using the facilities at the camp site.

(b) All insecticides, pesticides, and chemical poisons shall be plainly labeled and stored in a locked and secured~~[safe]~~ place.

(c) Gasoline and other highly flammable fluids shall be plainly marked and stored in a locked container or building not occupied by residents of the camp and at a safe distance from sleeping quarters or buildings where people congregate.

Section 16. Plan Review for Future Construction. (1) Any person contemplating construction, alteration, addition to, or change in the construction of any permanent camp shall, prior to the initiation of any such construction, submit plans in triplicate, through the local health department concerned, of any proposed camp, additions, alterations, or change in construction.

(2) The plans~~[which]~~ shall show:

(a) The name and address of the owner or operator of the camp;

(b) The area and dimension of the site;

(c) The property lines;

(d) A separate floor plan of all buildings and other improvements constructed or to be constructed including location and number of personal hygiene facilities, including water closets, urinals, showers, and hand-washing facilities and including a plumbing riser diagram;

(e) Detailed~~[Detail]~~ drawings of sewage disposal facilities, including written specifications;

(f) Detailed~~[Detail]~~ drawings of water supply if source is other than public; and

(g) The location and size of water and sewer lines within the camp.

~~(3)~~~~(2)~~ If central food preparation and food service buildings are to be provided, plans and specifications shall be submitted showing the kitchen floor plan, layout and type of equipment, storage area, restrooms, and dining area pursuant to 902 KAR 45:005~~;~~ ~~the state food service code~~.

~~(4)~~~~(3)~~ If artificially constructed swimming pools or beaches are contemplated, plans and

specifications shall be submitted to the cabinet for review and approval prior to construction pursuant to 902 KAR 10:120.

Section 17. Inspection of Camp. (1) Each camping season, an inspection shall be made by the cabinet on each camp at least once prior to the opening of the camp and at least once while the camp is in actual operation. The cabinet shall make as many additional inspections and reinspections as are necessary for the enforcement of this administrative regulation.

(2) If an agent of the cabinet makes an inspection of a camp, findings~~he~~ shall be recorded~~record his findings~~ on an official cabinet inspection report form, DFS-308,[-] Youth Camp Inspection Report, and a copy provided to~~provide~~ the permit holder or operator~~with a copy~~. The inspection report shall:

(a) Set forth any violation~~violation(s)~~ if found;

(b) Establish a specific and reasonable period of time for the correction of any violation~~the violations(s)~~ found; and

(c) State that failure to comply with a~~any~~ notice issued pursuant to the provisions of this administrative regulation may result in suspension or revocation of the permit.

Section 18. Suspension of Permit. (1) If the cabinet has reason to believe that an imminent public health hazard exists, or if the permit holder has interfered with the authorized agents of the cabinet in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing on form DFS-212,[-] Request for Hearing. The permit holder may request a hearing, which shall be granted as soon as practicable.

(2) Failure to comply with the criminal background check and employment requirements established in KRS 194A.382 shall result in penalties pursuant to KRS 194A.383.

(3)(a) In all other instances of violation of the provisions of this administrative regulation, the cabinet shall serve upon the holder of the permit a written notice specifying the violation~~violation(s)~~ in question and afford the holder a reasonable opportunity to correct it ~~them~~.

(b) If a permit holder or operator has failed to comply with any written notice issued under the provisions of this administrative regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of five (5) business days following service of the notice, unless a written request for a conference~~hearing~~ is submitted to~~filed with~~ the cabinet~~;~~ by the permit holder~~;~~ within the five (5) business day period.

(4)~~(3)~~ All administrative conferences~~hearings~~ shall be conducted in accordance with 902 KAR 1:400.

Section 19. Reinstatement of Suspended Permits. (1) A~~Any~~ person whose permit has been suspended may, at any time, make application for a reinspection on form DFS-215,[-] Application for Reinstatement of Suspended Permits for the purpose of reinstatement of the permit.

(2) Within five (5) business days following receipt of written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension of the permit have been corrected, the cabinet shall make a reinspection.

(3) If the applicant is found to be in compliance with the requirements of this administrative regulation, the permit shall be reinstated.

Section 20. Revocation of Permits. (1) For~~serious or~~ repeated violations of any of the requirements of this administrative regulation~~or for interference with the agents of the cabinet in the performance of their duties~~, the permit may be permanently revoked after an opportunity for a hearing has been provided in accordance with 902 KAR 1:400.

(2) Prior to such action, the cabinet shall notify the permit holder in writing, stating the rea-

sons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) business days following service of the notice, unless a request for a hearing is filed with the cabinet, in accordance with 902 KAR 1:400, by the permit holder, within the ten (10) business day period.

Section 21. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DFS-308, Youth Camp Inspection Report", 3/2018;

(b) "DFS-309, Kentucky Youth Camp Accident/Illness Report", 3/2018; and

(c) "DFS-340, Application and Permit to Operate Day Camp Facilities", 3/2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.~~[Existing Facilities and Equipment. Notwithstanding the other provisions of this administrative regulation, facilities and equipment being used by existing youth camps holding valid permits on the effective date of this administrative regulation, which do not fully meet the design and construction requirements of the administrative regulation, may be continued in use, if in good repair, capable of being maintained in a sanitary condition, and create no health or safety hazard.]~~

JEFFREY D. HOWARD, JR., M.D., Acting Commissioner

SCOTT W. BRINKMAN, Acting Secretary

APPROVED BY AGENCY: March 2, 2018

FILED WITH LRC: March 6, 2018 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 23, 2018, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by April 16, 2018, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2018. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Laura Begin, Legislative and Regulatory Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-B, Frankfort, Kentucky 40621, phone 502-564-6746, fax 502-564-2767, email Laura.Begin@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Trish Okeson, 502-564-3970, email Tricia.Okeson@ky.gov, and Laura Begin

(1) Provide a brief summary of:

(a) What this administrative regulation does: The purpose of this regulation is to set forth uniform sanitation and safety standards for youth camps, in order to ensure a safe and sanitary environment for the individuals who work at and attend these camps.

(b) The necessity of this administrative regulation: KRS 211.180(1)(c) requires the cabinet to

enforce administrative regulations promulgated for the regulation and control of the sanitation of public and semi-public recreational areas. This regulation provides for the permitting and inspection of youth camps throughout the state in order to protect the children who attend these camps.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation focuses on the health, safety, and sanitation of public and semi-public youth camps, which is required by KRS 211.180.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation currently assists with permitting, inspecting, and the enforcement of health and sanitation issues in youth camps. New sections of KRS 194A were created in Regular Session 2017 that required background checks be performed for applicants, contractors, or volunteers working in youth camps. This amendment is necessary for the administration of these statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment is being made in response to the passage of Regular Session 2017 Senate Bill 236, which amended KRS 194A to require background checks at Kentucky youth camps. This administrative regulation is also being amended for compliance with KRS Chapter 13A and to make clarifying points, including that being permitted as a youth camp does not exempt a child-care facility or program from the licensure required by 922 KAR Chapter 2, if applicable.

(b) The necessity of the amendment to this administrative regulation: RS 2017 Senate Bill 236, codified as KRS 194A.380-383, has an effective date of July 1, 2018.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment requires background checks be performed for any applicant, contractor, or volunteer attempting to be present at a Kentucky youth camp or involved in any program of the camp.

(d) How the amendment will assist in the effective administration of the statutes: This amendment is necessary to meet the requirements of KRS 194.380-383, effective July 1, 2018.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This will affect all 120 local health departments located within the state. This will also affect the permitted youth camps within the state, which currently number 518.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: A camp operator shall require an applicant, contractor, or volunteer to complete a central registry check and submit back to the camp operator a letter from the cabinet stating that the individual has no findings of substantiated child abuse or neglect found through records maintained by the cabinet. These letters shall be kept on camp premises and made available for examination upon request of the cabinet or its designee. Local health department inspectors will be checking this paperwork upon inspection, which is twice per operating season.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There is no additional cost to the youth camp. Local health departments will not incur additional costs, only extra time upon inspection to review the required paperwork. The applicant, contractor, or volunteer will have to pay the cost of a criminal background check.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Children should be safer with the new requirement that youth camp employees, contractors, and volunteers have undergone background checks.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: \$0

(b) On a continuing basis: \$0

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding will be used for implementation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: No additional funding is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This did not establish any additional fees or fee increases.

(9) TIERING: Is tiering applied? Tiering is not applied as all youth camps are applicable to the requirements of this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local health departments and the Kentucky Department for Public Health.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 194A.381-383, 211.090(3), 211.180(1)(c).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional administrative costs will be incurred.

(d) How much will it cost to administer this program for subsequent years? No additional administrative costs will be incurred.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: